

**CALIFORNIA STATE LANDS
COMMISSION**

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, Executive Officer

916.574.1800

TTY CA Relay Service: 711 or Phone **800.735.2922**
from Voice Phone **800.735.2929**
or for Spanish **800.855.3000**

Contact Phone: 916.574.1900

Date: August 30, 2024

File Ref: SCH # 2024071245

City of Pacifica
Community Development Department, Planning Division
Attn: Stefanie Cervantes
170 Maria Avenue
Pacifica, CA 94044

VIA ELECTRONIC MAIL: scervantes@pacificca.gov

**Subject: Notice of Preparation for a Draft Environmental Impact Report for the
Beach Boulevard Infrastructure Resiliency Project, San Mateo County**

Dear Stefanie Cervantes:

The California State Lands Commission (Commission) staff has reviewed the subject Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the Beach Boulevard Infrastructure Resiliency Project (Project). The DEIR is being prepared by the City of Pacifica's Community Development Department, which is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The City of Pacifica (City) is the project sponsor and has the responsibility of leading Project planning and design. The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land under the Commission's jurisdiction, the Commission will act as a responsible agency. Commission staff requests that the City consult with us on preparation of the DEIR as required by CEQA section 21153, subdivision (a) and the State CEQA Guidelines section 15086, subdivisions (a)(1) and (a)(2).

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways.

The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line (MHTL), except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

The City holds three leases with the Commission in the Project area. Lease 6065, a General Lease – Public Agency Use (expiration date: August 31, 2030), was issued to the City by the Commission for placement and use of rock riprap for shoreline protection on state-owned sovereign land in the City of Pacifica, adjacent to Beach Boulevard, in the Pacific Ocean. Additionally, Lease 4585, a General Lease – Public Agency Use (expiration date: May 31, 2040), was issued to the City by the Commission for the use and maintenance of a public fishing pier, non-operational sewer pipeline, and seawall on state-owned sovereign land in the city of Pacifica, adjacent to Beach Boulevard, in the Pacific Ocean. Lease 8837, a General Lease – Public Agency Use (expiration date: December 31, 2027), was issued to the City by the Commission for the use and maintenance of an existing 24-inch-diameter storm water outfall pipeline on state-owned sovereign land in the City of Pacifica, adjacent to Clarendon Road, in the Pacific Ocean.

The City proposes several different components to its Project that may involve State sovereign land: seawall removal and replacement, placement of a rock scour apron at the base of the new seawall, beach nourishment in the Pacific Ocean, and construction of a possible public access stairway. As these uses are not currently authorized, and the existing leases (Lease 6065 and Lease 4585) do not expire until August 31, 2030, and May 31, 2040, respectively, the City will need to apply to amend one or both of the leases for any proposed construction activities and uses planned on State sovereign land.

As part of that application, a detailed project description, including construction drawings with site plans, will be required. Portions of the proposed seawall replacement component of the Project will likely encroach waterward

of the most landward surveyed MHTL. However, a MHTL survey from no more than six months prior to the submission of any application for these activities will be required and will need to be submitted along with any inquiry or application in order for staff to review the Commission's jurisdiction properly.

Information on the Commission's leasing process can be found online at www.slc.ca.gov/leases-permits/, the online application can be found at www.oscar.slc.ca.gov/, and any related questions can be directed to Mr. Kelly Connor (contact information below). Please consult with staff regarding the possibility of combining existing uses and proposed new uses into a single master lease.

Project Description

The City states that the primary purposes of the proposed project are to:

- Create a multi-benefit solution to protect public infrastructure, recreational activities, and the community at-large from further coastal erosion impacts.
- Ensure public health and safety in the general vicinity of Beach Boulevard including the West Sharp Park neighborhood.
- Build climate resilience into one of the most vulnerable segments of Pacifica's shoreline.
- Improve public access to and use of the Beach Boulevard Promenade, Pacifica Municipal Fishing Pier, and the restored beach.

From the Project Description, Commission staff understands that the Project would include the following components that have potential to affect State sovereign land:

- Seawall: The existing seawall would be demolished and replaced by a new seawall along the entire Project length. Rock from the old seawall, if identified as clean and debris-free, would be utilized for the new rock scour apron.
- Rock scour apron: A rock berm would be installed on the oceanside of the wall and be approximately 50 feet in width to stabilize and prevent scour at the base of the new seawall. The rock scour apron would run most of the length of the new seawall, except for a portion of the South Wall area.
- Beach nourishment: An initial beach nourishment of 500,000 cubic yards of sand and cobble would be placed along the full length the new seawall, overlapping the new rock scour apron. This placement would create about 100 feet of dry beach width. The initial placement of sand would be used to assess the feasibility of a longer-term nourishment program.

- Public access stairway: A public access stairway would be constructed down to the beach from the upland. The site selection of public access features is currently undetermined.

Environmental Review

Commission staff requests that the City consider the following comments when preparing the DEIR to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the Final EIR to support a future lease approval for the Project.

General Comments

1. Project Description: A thorough and complete Project Description should be included in the DEIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of rock and/or sediment removed or disturbed, seasonal work windows, construction staging areas, etc.), as well as the details of the timing and length of activities. In particular, please illustrate on figures and engineering plans and provide written description of activities occurring below the MTHL for Project area waterways. Thorough descriptions will facilitate Commission staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

Biological Resources

2. Special Status Species: Construction activities including the demolition of the existing seawall, the installation of the new seawall and rock scour apron, and the placement of beach sand and cobble all have the potential to impact special status species in the vicinity of the Project area. For land under the Commission's jurisdiction, the DEIR should disclose and analyze all potentially significant effects on sensitive species and habitats in and around the Project area, including special status wildlife, fish, and plants, and if appropriate, identify feasible mitigation measures to reduce those impacts. The City should conduct queries of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special status plant or wildlife species that may occur in the Project area. The City should also include a discussion of consultation and/or coordination with CDFW, USFWS, and the National Marine Fisheries Service (NMFS), as

applicable, including any recommended mitigation measures and potentially required permits identified by these agencies.

The DEIR should also include an anchoring plan for any vessels used for beach nourishment activities. The anchoring plan should include potential anchor locations that avoid hard-bottom habitat, kelp, and seagrass beds.

3. Invasive Species: One of the major stressors in California waterways is introduced species. Therefore, the DEIR should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species (AIS), including aquatic plants. For the beach nourishment component of the project, a vessel would be anchored offshore to pump sand onto the rock scour apron and beach. This activity could transport new species to the Project area via vessel biofouling, wherein marine and aquatic organisms attach to and accumulate on the hull and other wetted surfaces of a vessel.

If the analysis in the DEIR finds potentially significant AIS impacts, possible mitigation could include contracting local vessels and barges or requiring contractors to inspect and clean the hull and other wetted surfaces of vessels prior to arrival in California. The Commission's Marine Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at <https://www.slc.ca.gov/misp/>).

4. Construction Noise: The DEIR should evaluate noise and vibration impacts on fish, birds, and marine mammals from construction activities. Such activities include the demolition and removal of the existing seawall, construction of the new seawall, and cleaning and placement of rocks for the rock scour apron. New seawall construction will require the burial of steel pipe piles that will be installed by heavy duty pile drilling or pile driving (vibratory or impact hammer). Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and NMFS. Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.
5. Hazardous Materials: For beach nourishment activities, a vessel would be anchored offshore to pump sand onto the beach. Construction equipment (e.g., dozers, backhoes, etc.) would also be used to move and shape sand on the beach. Mitigation measures should include spill contingency plans for vessels or other in-water construction equipment as well as any construction equipment used on beaches.
6. Water Quality: Construction activities (e.g., the placement of the rock scour apron and beach sand) could impact water quality through the accidental release of debris or through construction activities that may disturb sediment

and increase turbidity. The DEIR should discuss how the Project will prevent construction debris from entering the water and how any debris would be addressed. The DEIR should also analyze turbidity impacts in the Pacific Ocean from Project activities and identify relevant mitigation measures.

Climate Change

5. Greenhouse Gas (GHG): A GHG emissions analysis consistent with the California Global Warming Solutions Act (Assembly Bill [AB] 32; Nuñez, Chapter 488, Statutes of 2006) and required by the State CEQA Guidelines should be included in the DEIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that would be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to the extent feasible. It is recommended that the City consider design and material options that can lower the Global Warming Potential of the Project's structures. The Project design should seek to use the least amount of concrete possible to build the seawall in particular and consider the use of lower carbon material such as blended cement, made with supplementary cementitious materials, if feasible.
6. Sea Level Rise: The DEIR should evaluate the Project in the context of sea level rise scenarios projected to occur during the Project's lifespan (and necessarily must identify the lifespan of each of the Project's structural components). Sea level rise must be accounted for as part of the Project's setting, because it will alter the setting over the course of the Project's lifespan. The DEIR should refer to the [2024 State of California Sea Level Rise Guidance](#) (Ocean Protection Council) for the best available science to inform use of sea level rise scenarios for the Project area. For planning, siting, and design purposes, the Commission strongly recommends that the City consider the Intermediate scenario as the lower bound and the High scenario as the upper bound (using the nearest tide gauge, San Francisco – scenarios are found in Table 6 of Appendix 2, pg. 88).

The Commission has adopted the [Shoreline Adaptation and the Public Trust](#) report (2023) and recommends the City consider the information it includes related to hard armoring structures and beach nourishment as shoreline protection strategies. The report discusses the advantages and disadvantages of both strategies for the Public Trust, and the Project design should minimize and mitigate any adverse impacts to Public Trust lands, uses, resources, and values to the greatest extent feasible from the use of these strategies. Please note that when considering lease applications, Commission staff will (1) request information from applicants concerning the potential effects of sea level rise on their proposed projects; (2) if applicable, require

applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their projects; and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access. It is recommended that the Project design balances the functions of shoreline protection and infrastructure floodproofing with other uses consistent with the Public Trust, such as space for recreation and habitat.

Related to mitigating adverse impacts of the Project, the DEIR should include a comprehensive monitoring plan and program to measure sea level rise, rates of erosion, sand loss, and extreme tidal and storm events that occur within the Project's setting. The results of this monitoring should inform adaptive management actions to optimize the Project's performance and adjust its variable activities – such as beach nourishment – in response to any consequential changes in conditions of the setting and enact measures to minimize adverse impacts of Project components.

Cultural Resources

7. Submerged Resources: The DEIR should evaluate potential impacts to submerged cultural resources in the Project area. The Commission maintains a shipwrecks database that can assist with this analysis. Please send inquiries to Shipwreck.Database@slc.ca.gov to obtain shipwrecks data from the database and Commission records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in state waters for more than 50 years is presumed to be significant. Because of this possibility, please add a mitigation measure requiring that in the event cultural resources are discovered during any construction activities, Project personnel shall halt all activities in the immediate area and notify a qualified archaeologist to determine the appropriate course of action.
8. Title to Resources: The demolition and removal of the existing seawall could potentially expose cultural resources. The anchoring of vessels for beach nourishment could also disturb cultural resources. The DEIR should state that the title to all shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the California State Lands Commission (Pub. Resources Code, § 6313). Commission staff requests consultation with the City should any cultural resources on state lands be discovered during construction of the proposed Project. In addition, Commission staff requests that the following statement be included in the EIR's Mitigation and

Monitoring Plan: "The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the Commission must be approved by the Commission."

Recreation

9. Public Access: The DEIR should analyze impacts to recreation and public access from Project activities to State lands. This includes the demolition and replacement of the seawall and beach nourishment activities that could require temporary closures to the beach or otherwise disrupt public access. Staff encourages the City to consider a Project design and construction timeline that avoids or minimizes disruptions to public access.

Tribal Cultural Resources:

9. Consideration of Tribal Cultural Resources: AB 52 includes both procedural *and* substantive requirements, including the requirement that lead agencies strive to avoid significant adverse changes to tribal cultural resources, regardless of whether consultation is requested or occurs, and incorporate mitigation measures recommended by tribes unless the lead agency determines those suggestions are not feasible. Commission staff encourages the City to go beyond the requirements of AB 52 by conducting outreach and consultation with all tribes culturally affiliated with the Project area, as determined by the Native American Heritage Commission. The Commission strongly encourages early, frequent, and meaningful engagement with all culturally affiliated tribes that may be affected by this Project.

Mitigation and Alternatives

10. Alternatives: In addition to describing mitigation measures that would avoid or reduce the potentially significant impacts of the Project, the City should identify and analyze a range of reasonable alternatives to the proposed Project that would attain most of the Project objectives while avoiding or reducing one or more of the potentially significant impacts (see State CEQA Guidelines, § 15126.6). In addition to a No Project alternative, the DEIR should identify the environmentally superior alternative.

Environmental Justice

11. Environmental justice is defined by California law as "the fair treatment and meaningful involvement of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (Gov. Code § 65040.12) This definition is consistent with the Public Trust Doctrine's principle that management of trust lands is for the benefit of all people.

The Commission adopted an updated [Environmental Justice Policy and Implementation Blueprint](#) in December 2018 to ensure that environmental justice is an essential consideration in the agency's processes, decisions, and programs. The twelve goals outlined in the Policy reflect an urgent need to address the inequities of the past, so they do not continue. Through its policy, the Commission reaffirms its commitment to an informed and open process in which all people are treated equitably and with dignity, and in which its decisions are tempered by environmental justice considerations.

Although not legally required in a CEQA document, Commission staff suggests that the City include a section describing the environmental justice community outreach and engagement undertaken in developing the DEIR and the results of such outreach. The California Office of Environmental Health Hazard Assessment developed the [CalEnviroScreen](#) mapping tool to assist agencies with locating census tracts near proposed projects and identifying the environmental burdens, should there be any, that disproportionately impact those communities. Environmental justice communities often lack access to the decision-making process and experience barriers to becoming involved in that process. It is crucial that these communities are consulted as early as possible in the project planning process. Commission staff strongly recommends using the [CalEnviroScreen](#) tool and then, as applicable, reaching out through local community organizations, such as the [California Environmental Justice Alliance](#). Engaging in early outreach will facilitate more equitable access for all community members. In this manner, the CEQA public comment process can improve and provide an opportunity for more members of the public to provide input related to environmental justice. Commission staff also recommends incorporating or addressing opportunities for community engagement in mitigation measures. Commission staff will review the environmental justice outreach and associated results as part of any future Commission action.

Thank you for the opportunity to comment on the NOP for the Project. As a trustee and responsible agency, Commission staff requests consultation on this Project and to be kept advised of changes to the Project Description and all other important developments. Please send additional information on the Project to the Commission staff listed below as the DEIR is being prepared. Please refer questions concerning environmental review to Robin Tuohy, Environmental Scientist, via email at Robin.Tuohy@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Kelly Connor, Public Land Management Specialist III, via email at Kelly.Connor@slc.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Nicole Dobroski". The signature is written in a cursive, flowing style.

Nicole Dobroski, Chief
Division of Environmental Science,
Planning, and Management

cc: Office of Planning and Research
A. Kershen, Commission
R. Tuohy, Commission
K. Connor, Commission